REMARKS/ARGUMENTS

Claims 1 and 6-13 are currently pending in this application. Claims 1, 8 and 11 are amended.

Claims 1, 6, 8, 9, 11 and 12 stand rejected under 35 U.S.C. §112, second paragraph.

Claims 1, 8 and 11 stand rejected under 35 U.S.C. §102(e) over U.S .Patent No. 6,830,829 issued to Suzuki et al.

Claims 1 and 6-13 are provisionally rejected under 35 U.S.C. §101 stand rejected on the grounds double patenting over claim 7 of co-pending U.S. Patent Application Serial No. 10/779,874.

In response to the rejection based on indefiniteness, claims 1, 8, and 11 are revised to clarify the meaning of A1 and A2. It is submitted that these changes remove any instances of indefiniteness and that the rejection should be withdrawn.

In response to the rejection of claims 1, 8, and 11 based on Suzuki, each of these claims is amended to remove hydrogen and methyl in the list of compounds or elements that can be A1 or A2. In the rejection, the Examiner cited two compounds in Suzuki to support the anticipation rejection, i.e. compound 39 (hydrogen as A1) and compound 3 (methyl as A1).

Since hydrogen and methyl as A1 in the claims have been removed, Suzuki cannot anticipate these claims under 35 U.S.C. §102(e). Thus, the Examiner can only further reject the claims based on 35 U.S.C. § 103(a). However, in order to do so, the Examiner must have an

objective basis in fact. However, none exists within the four corners of Suzuki and Suzuki cannot form the basis of a rejection under 35 U.S.C. § 103(a). The only way that the Examiner could reject claims 1, 8, and 11 is through the use of hindsight. Since this is an impermissible approach to make a rejection based on 35 U.S.C. § 103(a), the Examiner cannot further reject the independent claims based on obviousness and Suzuki.

Lastly, Applicants traverse the statutory double patenting rejection. In the context of this rejection, claim 7 of the co-pending application no. 10/779,874 (the "co-pending application") must involve the same invention or be identically drawn to that of claims 1 and 6-13. Claim 7 of the co-pending application does recite a hole blocking layer between a light emitting layer and the second electrode. However, it also recites a specific emission layer with three emission areas, one matched to the hole blocking layer. Consequently, claim 7 is not for the same invention as claims 1 and 6-13 of this application and a statutory double patenting rejection is improper. While it may be alleged that the closeness of the two claims gives rise to an obviousness double patenting rejection, such a rejection is not made here so that a response in this regard would be premature. If the Examiner should reconsider this issue and decide that an obviousness-type double patenting issue exists, Applicants will respond accordingly. In the absence of such though, at the very least, the statutory double patenting rejection must be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **Daniel Y.J. Kim**, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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